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2040 Main Street
Fourteenth Floor
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Tel 949-760-0404
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TO: Examiner Eric F. Winakur
USPTO FACSIMILE NO.: (571) 273-8300
USPTO REFERENCE: Applicants: Mohamed K. Diab et al.
Serial No.: 10/721,607
Filed: November 25, 2003
Title: PULSE OXIMETER PROBE-OFF DETECTOR
ATTORNEY: John M. Grover
PHONE NO.: (949) 721-2946
ATTORNEY DOCKET NO.: MASIMO.173C2
TOTAL PAGES: 8 (INCLUDING COVER SHEET)
OPERATOR: Lisa Sierra
DATE: November 4, 2005

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MESSAGE: **Attached for filing in the above-referenced application are:**

■ TRANSMITTAL LETTER IN 1 PAGE ■ PRELIMINARY AMENDMENT IN 6 PAGES

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Docket No.: MASIMO.173C2

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Page 1 of 1

Please Direct All Correspondence to Customer Number **20995****AMENDMENT / RESPONSE TRANSMITTAL**

Appl. No. : 10/721,607
 Applicants : Mohamed K. Diab et al.
 Filed : November 25, 2003
 TC/A.U. : 3736
 Examiner : Eric F. Winakur

Confirmation No. : 5622

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Title : PULSE OXIMETER
 PROBE-OFF
 DETECTOR

Docket No. : MASIMO.173C2
 Customer No. : 20,995

Mail Stop Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in the above-identified application are the following enclosures:

(X) a Preliminary Amendment in 6 pages.

The fee has been calculated as shown below:

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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November 4, 2005

(Date)


John M. Grover, Reg. No. 42,810**Mail Stop Amendment**

Commissioner for Patents
United States Patent and Trademark Office
P.O. Box 1450
Alexandria, VA 22313-1450

PRELIMINARY AMENDMENT

Sir:

Preliminary to the examination of the above-identified application, please amend the above-identified application as follows:

Amendments to the Claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks begin on page 6 of this paper.

11/07/2005 CNGUYEN 00000054 111410 10721607

01 FC:1202 150.00 DA
02 FC:1201 200.00 DA